

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MICHAEL WARDLAW BROWN,
Defendant.

24-cr-138 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

At tomorrow's hearing, the parties should be prepared to address the following issues:

1. If the Defendant had not tested positive for marijuana and did not escape, on what date would he have been released from the RRC?
2. If the Defendant had tested positive for marijuana but had not escaped, on what date would he likely have been released? Or at least released from the MDC back to the RRC?
3. Does the Government have any records confirming that on February 9, Defendant tried to return to the RRC?
4. The Government seeks a sentence of 15 to 21 months' imprisonment. If the Court imposed a sentence of 15 months, and assuming exemplary conduct from the Defendant, how much time would he expect to spend in prison given potential good-time credits and the opportunity for community supervision?
5. If the Defendant were sentenced to 15 months' imprisonment, where would that sentence likely be served?
6. Wherever that sentence would be served, is there treatment available for mental health and substance abuse? Are there in-patient treatment programs that are available as an alternative to a prison sentence?
7. The Defendant urges a sentence of time served. If the Court imposes that sentence, would the Defendant live with his adoptive mother? She has not submitted anything in support of the Defendant in connection with this proceeding. If not, where would the Defendant live?

8. The Defendant has submitted a letter from the Defendant's former employer. Would that employer consider rehiring the defendant on a trial basis to determine whether he can pick up where he left off?
9. What is the Government's response to the Defendant's argument that time served is warranted because the MDC is currently a drug-infested, dangerous, and oppressive environment?
10. Under 18 U.S.C. § 3553(a), the Court must consider all available sentences. The Government urges a Guidelines prison sentence, and the Defendant asks for time served. The parties should also consider other possible sentences. For instance, given the Defendant's three months' incarceration at the MDC, would a sentence of 12 months at a halfway house be warranted? The Court is not prejudging the matter, but the parties should be prepared to discuss all possible options.

SO ORDERED.

Dated: May 29, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Arun Subramanian', is written over a horizontal line.

ARUN SUBRAMANIAN
United States District Judge